

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

William Charles Graham,

Case No. 22-cv-1041 (WMW/DTS)

Petitioner,

ORDER

v.

USP-McCreary and Federal Bureau of
Prisons,

Respondents.

Before the Court is Petitioner William Charles Graham’s motion for reconsideration of the Court’s July 12, 2022 Order, which dismissed Graham’s petition for a writ of habeas corpus. (Dkt. 12.) Graham also moves for release pending the Court’s decision on his motion for reconsideration. (Dkt. 13.)

A party may file a motion to reconsider only with the Court’s prior permission and after establishing “compelling circumstances.” LR 7.1(j). Motions to reconsider serve “a limited function: to correct manifest errors of law or fact or to present newly discovered evidence.” *Hagerman v. Yukon Energy Corp.*, 839 F.2d 407, 414 (8th Cir. 1988) (internal quotation marks omitted). Such motions may not serve as “a vehicle to introduce new evidence” that could have been raised during the pendency of the earlier motion or “serve as the occasion to tender new legal theories for the first time.” *Id.* (internal quotation marks omitted).

Graham has not sought permission to file the pending motion to reconsider. But even construing Graham’s *pro se* filing as a *request* to file a motion for reconsideration,

Graham's filing does not demonstrate any compelling circumstances warranting permission to file a motion to reconsider. *See* LR 7.1(j). Graham seeks reconsideration because of a development in the law that, according to Graham, establishes his actual innocence. But as the magistrate concluded in his April 28, 2022 report and recommendation, adopted by the Court in its July 12, 2022 Order, this Court is not the appropriate venue for Graham's petition for a writ of habeas corpus. For these reasons, the Court denies Graham's motion for reconsideration.

Based on the foregoing analysis and all the files, records and proceedings herein,

IT IS HEREBY ORDERED:

1. Petitioner William Charles Graham's motion for reconsideration, (Dkt. 12), is **DENIED**.
2. Petitioner William Charles Graham's motion for release pending a decision on the merits, (Dkt. 13), is **DENIED AS MOOT**.

Dated: September 29, 2022

s/Wilhelmina M. Wright
Wilhelmina M. Wright
United States District Judge